

Remarks:

Reconsideration of the application is respectfully requested.

Claims 11 - 23 are presently pending in the application.

Claims 1 - 10 were previously canceled. New claims 21 - 23 have been added. As it is believed that the claims were patentable over the cited art in their original form, the claims have not been amended to overcome the references.

Applicants gratefully acknowledge that page 3 of the above-identified Office Action indicated that claims 14 - 20 were allowed.

However, on page 2 of the Office Action, claims 11 - 13 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over PCT Patent Application Publication No. WO 02/066293 to Bolz et al ("BOLZ").

Applicants respectfully traverse the above rejections.

First, Applicants' claim 11 recites, among other limitations:

A method for switching on a power switch disposed between capacitive elements, which comprises the steps of: [emphasis added by Applicants]

As such, Applicants' claim 11 requires, among other things, a power switch **disposed between capacitive elements**. Page 2 of

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the Office Action analogized the power switches (S1, S2) of the cited **BOLZ** reference to the recited power switch, and battery elements (B1, B2) of the cited **BOLZ** reference, arguendo, to the recited capacitance elements. Applicants respectfully disagree. Accepting, arguendo, that the battery elements (B1, B2) render obvious Applicants' claimed "capacitive elements" of claim 11, as can be seen from Fig. 4 of the cited **BOLZ** reference, **neither of switch S1 or S2 of the cited BOLZ reference are disposed between the battery elements B1, B2 of BOLZ, as required by Applicants' claim 11.** Fig. 4 of the cited **BOLZ** reference is reproduced herebelow, for convenience.

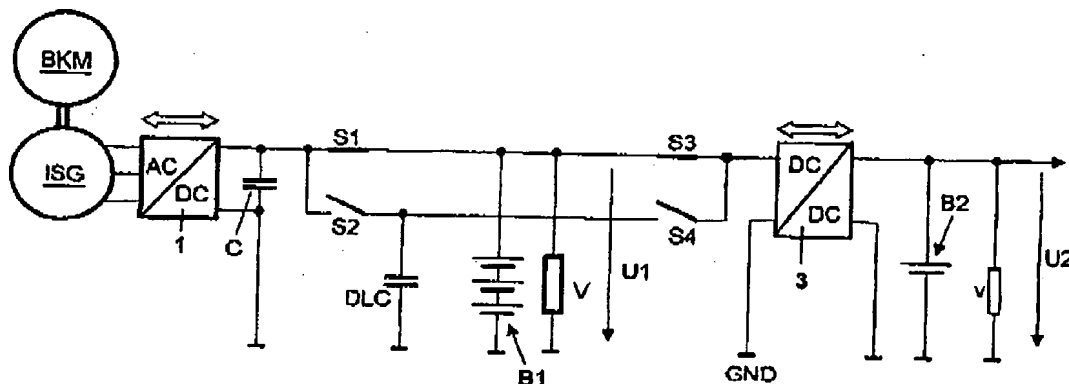


Fig 4

As can be seen from Fig. 4 of the cited **BOLZ** reference, **switches S1 and S2 are not disposed between batteries B1 and B2.** Rather, only switch **S3** of the cited **BOLZ** reference is **disposed between** the batteries B1 and B2 of the cited **BOLZ** reference. See Fig. 4 of the cited **BOLZ** reference.

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However, Applicants' claim 11 further requires, among other limitations:

connecting at least one compensating element for equalizing currents flowing between the capacitive elements which are to be connected to one another and can decay before the power switch is subsequently closed in a current-free and no-voltage situation, the compensating element being connected in parallel to switching contacts of the power switch which is in an open position. [emphasis added by Applicants]

As such, Applicants' claim 11 further requires, among other things, that when the power switch which is disposed between the capacitive elements is open, **the compensating element must be connected in parallel to switching contacts of that power switch.** However, as discussed above, BOLZ discloses a power switch S3 located between the batteries B1 and B2 of BOLZ (i.e., which allegedly render obvious the "capacitive elements" of Applicants' claim 11). However, when switch S3 is open, and even, arguendo, if switches S2 and/or S4 of the BOLZ reference were closed, **the double layer capacitor DLC of the cited BOLZ reference is not connected in parallel to the switching contacts of the power switch S3.** See, for example, Fig. 4 of the cited BOLZ reference.

Note also, that the cited BOLZ reference discloses, in col. 8, lines 59 - 60, that switches S1 and S2 cannot both be conducting at the same time. As such, the capacitor DLC of

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the cited **BOLZ** reference **can only be connected to any contact of the switch S3 by, and through, the closure of switch S4 of the BOLZ reference.** However, the closure of switch S4 of the cited **BOLZ** reference fails to connect the capacitor DLC of the cited **BOLZ** reference "in parallel to the switching contacts of the power switch" S3. As such, at no permissible time of operation of the circuit of the cited **BOLZ** reference, can the capacitor DLC of the cited **BOLZ** reference be connected in parallel to the switching contacts of the power switch that is disposed between the alleged (arguendo) "capacitive elements" of the cited **BOLZ** reference (i.e., to the power switch S3 disposed between the batteries B1 and B2). As such, the cited **BOLZ** reference fails to teach, suggest or render obvious, among other limitations of Applicants' claims, a power switch disposed between capacitive elements, wherein a compensation element is connected in parallel to the switching contacts of that power switch, as required by Applicants' claim 11.

For the foregoing reasons, among others, Applicants' claim 11 is believed to be patentable over the cited **BOLZ** reference.

Additionally, Applicants' new claim 21 requires, among other limitations:

connecting at least one compensating element for equalizing currents flowing between the capacitive elements which are to be connected to one another and

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can decay before the power switch is subsequently closed in a current-free and no-voltage situation, the compensating element being connected in parallel to switching contacts of the power switch which is in an open position, the compensating element functioning as a choke. [emphasis added by Applicants]

Applicants' new claim 21 is supported by the specification of the instant application, for example, by page 3 of the instant application, lines 23 - 31, which state:

The invention comprises the technical teaching of bringing about a compensation of potential between the open switching contacts of the power switch by means of a lossy choke which can be connected in parallel with these switching contacts, whereby equalizing currents can flow by way of the choke and decay until there is practically no longer any difference in potential at the switching contacts of the power switch and there is no longer an equalizing current flowing before the power switch is switched on. [emphasis added by Applicants]

However, the cited **BOLZ** reference neither teaches, nor suggests, among other limitations of Applicants' claims, a compensating element functioning as a choke, as required by Applicants' claim 21. In fact, page 2 of the Office Action pointed to the double layer capacitor (DLC) of the cited **BOLZ** reference, allegedly corresponded to Applicants' "compensating element" of claim 11 (which allegation, Applicants' respectfully traversed, above). As such, the cited **BOLZ** reference fails to teach or suggest, among other limitations of Applicants' claims, a compensating element functioning as a choke, as required by Applicants' claim 21.

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For the foregoing reasons, among others, Applicants' independent claim 21 is additionally believed to be patentable over the **BOLZ** reference.

For the foregoing reasons, among others, and in view of the allowance of claims 14 - 20 on page 3 of the current Office Action, Applicants' claims are believed to be patentable over the **BOLZ** reference.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 11, 14 and 21. Claims 11, 14 and 21 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 11, 14 and 21.

In view of the foregoing, reconsideration and allowance of claims 11 - 23 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

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If an extension of time for this paper is required, petition
for extension is herewith made.

Please charge any fees that might be due with respect to
Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,



For Applicants

Kerry P. Sisselman
Reg. No. 37,237

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Lerner Greenberg Sterner LLP
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101